

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 5TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR. JUSTICE V. GOPALA GOWDA

WRIT PETITION No. 271/1994

BETWEEN:

Muthappa Poojary,  
S/o. Poova Poojary,  
major, agriculturist,  
residing at Naravi village  
& Post, Belthangady Taluk,  
D.K. District.

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..PETITIONER

(By Sri M.Ram Bhat, Advocate)

AND:

1. Nagi Hengsu,  
W/o. Hukra Poojary,  
major, Uchoor House,  
Marodi village & post,  
Belthangady Taluk,  
D.K. District.
  2. Manjappa Adhikari,  
S/o. Shankarabegde,  
major, residing at  
Naravi post,  
Belthangady Taluk,  
D.K. District.
  3. Yuvaraja,  
S/o. Ananthamathi, major,  
Mathashri Press,  
Nellikar village & post,  
Karkala Taluk,  
D.K. District.
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4. The Land Tribunal Belthangady,  
by its Secretary Special  
Tahsildar, Belthangady Taluk.
5. The State of Karnataka,  
by its Secretary,  
Revenue Department,  
Multistoried Building,  
Bangalore.

(By Miss. Bharathi Nagesh, AGA for R-4&5)

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This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to call for the records pertaining to the Appeal No. LRAA No.191 of 1989 on the file of the Additional Land Reforms Appellate Authority, puttur and to grant such other and further relief etc.,

This Writ Petition is coming on for hearing this day, the Court made the following:-

O R D E R

The main grievance of the petitioner-claimant is that the Tribunal <sup>✓</sup>at an earlier occasion passed an order rejecting his claim. That order was challenged before this Court in W.P.No.18745/81. This Court after careful consideration of the matter, allowed the writ petition by its order dated 15.6.1984 by quashing the order challenged therein. In the above said writ petition, there was a direction to the Tribunal that an opportunity may be given to the petitioner to establish his

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claim regarding tenancy in respect of the land in question. The grievance of the petitioner is that the said direction of this Court has not been complied with as sufficient and adequate opportunity was not given to him to adduce evidence to establish his claim. The Tribunal again rejected the claim of the petitioner. That order was challenged before the erstwhile Land Reforms Appellate Authority. During the pendency of the appeal, the said authority has been abolished, in view of the amendment to the Land Reforms Act, 1961. That is how the matter got transferred to this Court for examining the correctness of the impugned order passed by the Tribunal.

2. I have perused the averments of the petition and the grounds urged therein as also the impugned order. As could be seen from the order, the Tribunal has not given sufficient and adequate opportunity to the petitioner to establish his claim. Therefore, in my view, this is a proper and fit case for quashing the impugned order. Hence, I pass the following order:

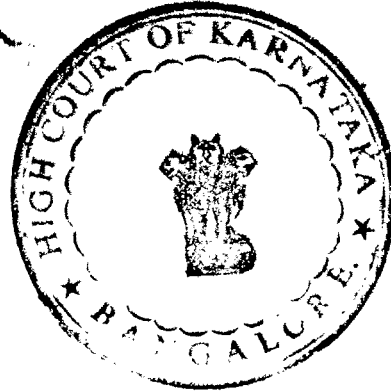
Writ Petition is allowed. Rule made absolute. Impugned order dated 16.2.1989 is hereby quashed.

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The matter is remitted back to the Tribunal with a direction to examine the matter, conduct enquiry and give opportunity to the petitioner to establish his claim and determine the rights of the parties in accordance with law within six months from the date of receipt of this order. No costs.

Sd/-  
JUDGE



Bg/-060698  
Bg/-230698